

The State of New Hampshire
Motor Vehicle Inspection and Maintenance
State Implementation Plan Revision

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State Implementation Plan Revision

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Glossary of Terms and Abbreviations

- **CFR:** Code of Federal Regulations.
- **DES:** The New Hampshire Department of Environmental Services.
- **DMV:** The New Hampshire Department of Motor Vehicles.
- **Env-A:** New Hampshire Department of Environmental Services administrative rules.
- **EPA:** The United States Environmental Protection Agency.
- **GVWR:** The gross vehicle weight rating, which is defined and specified by each vehicle manufacturer for a each vehicle.
- **Help Line:** The combined manual/automated system that Gordon-Darby will install and operate to handle questions and other concerns from motorists and inspection stations.
- **Inspection Agreement:** Contract between DMV and Gordon-Darby, “for the Establishment and Operation of a Decentralized Motor Vehicle Inspection Program for the State of New Hampshire.”
- **I/M:** Inspection and Maintenance. I/M programs are designed to oversee vehicle safety and emissions inspections, and assure that needed repairs are properly performed by competent licensed technicians.
- **LDG:** Light-duty gasoline.
- **LDD:** Light-duty diesel.
- **Lbs.:** Unit of measurement. Pounds.
- **Make:** Vehicle manufacturer.
- **NAAQS:** National Ambient Air Quality Standards
- **NHOST:** New Hampshire OBD/Safety Test. The NHOST acronym specifically refers to the solution that Gordon-Darby is proposing to deliver in this project.
- **NHOST System:** The overall network (including databases) solution proposed for this project.
- **NHOST Unit:** The proposed test system that are installed in the individual inspection stations in New Hampshire
- **NO:** Nitric oxide or nitrogen monoxide, the principle emitted gas that is measured, and used as a surrogate for NO_x emissions.
- **NO_x:** Oxides of Nitrogen.
- **OBD:** On-Board Diagnostics.
- **OBD II:** Second generation OBD system, which is an integral part of the computer controls on 1996 and later model year passenger cars and light trucks. OBD II systems are designed to detect deterioration of power train or emission control components that may result in increases in vehicle exhaust and evaporative emissions. The current On-Board Diagnostics (OBD) electronic system that includes the most up-to-date comprehensive system monitors starting with model year 1996 vehicles.
- **Project Manager:** The Gordon-Darby staff member that will be responsible for managing all of our team’s activities under this project.

- **QA:** Quality Assurance.
- **RFP:** Request For Proposal. This acronym refers to the RFP issued by the State of New Hampshire for the On-Board Diagnostics and Safety Inspection Program Management vendor.
- **RSA:** Revised Statutes Annotated. The New Hampshire Revised Statutes Annotated (RSA) forms the codified law of the state subordinate to the New Hampshire State Constitution.
- **SAF-C:** New Hampshire Department of Safety administrative rules.
- **Scan Tool:** The electronic device and connector cable used to connect to a vehicle's OBD system to perform the official OBD test as part of the vehicle's annual safety inspection.
- **SIP:** State Implementation Plan. For the purpose of this document, SIP refers to the State of New Hampshire's implementation plan for the vehicle I/M program.
- **The State:** The State of New Hampshire.
- **Triggers Analysis:** Data analysis and mining techniques used in I/M programs to identify potential problem inspection stations, technicians and test systems.
- **Vendor:** Gordon-Darby.
- **VIN:** Vehicle Identification Number.
- **VOC:** Volatile Organic Compounds, used to express hydrocarbon emissions that also include aldehydes.

Executive Summary

In June 2008, the New Hampshire Department of Safety, Division of Motor Vehicles revised the motor vehicle inspection rules resulting in changes to the state's On-Board Diagnostics (OBD II) inspection program. Due to this program change, and in accordance with 40 CFR § 51.104(a), the DES is submitting to the EPA revisions to the New Hampshire motor vehicle inspection and maintenance (I/M) SIP.

New Hampshire's vehicle inspection and maintenance (I/M) program was first formalized in 1998, when the State of New Hampshire and the US Environmental Protection Agency (EPA) reached an agreement regarding its implementation in the form of the document, "Revised I/M Agreement Points". This agreement enabled New Hampshire to develop and implement a decentralized I/M program, offering convenience to the public and reducing cost while providing an improved air quality benefit as compared to the federally required I/M program. The EPA subsequently approved this agreement in the Federal Register as a SIP Strengthening Measure, which would satisfy New Hampshire's Federal I/M requirements under the Clean Air Act.

The vehicle I/M program, designed to identify vehicles that emit pollutants that exceed or may exceed acceptable standards and require such vehicles to get repaired, is an important part of the strategy to ensure that New Hampshire is positioned to attain the National Ambient Air Quality Standard (NAAQS) for Ozone. The estimated air quality benefit of the New Hampshire program as compared to the federal program in 2009 was an *additional* reduction of 3.86 tons of NO_x per day and 1.15 tons of VOCs per day in the non-attainment area. The emission reductions resulting from this program are an integral part of our air quality attainment efforts and important as part of a balanced strategy that includes reductions from stationary, area and mobile source sectors.

Since 1998, the New Hampshire General Court has passed the necessary legislation providing the NH Department of Safety's (DOS) Division of Motor Vehicles (DMV) with the authority and resources to implement this program. Additional legislation was passed in order to streamline implementation. This State Implementation Plan (SIP) revision is required under federal regulations, 42 United States Code section 7511a, section 182(c)(3)(A) of the Clean Air Act Amendments of 1990 and ensures changes to New Hampshire's vehicle inspection and maintenance (I/M) program are fully documented.

The structure of this document comports with requirements that have been established by the United States Environmental Protection Agency (EPA) for inspection and maintenance programs nationally and follows the framework laid out in 40 CFR 51.351 through 51.371, including a description of how New Hampshire is meeting the I/M requirements and the statutory and regulatory authority to do so.

Introduction

The federal Clean Air Act Amendments of 1990 (“CAAA”) require Enhanced vehicle inspection/maintenance programs (“I/M”) in many population centers and areas that have experienced a history of high concentrations of ground-level ozone (or “smog”). Section 182(c) of the CAAA mandates Enhanced I/M in areas designated as “serious” for ozone non-attainment with a 1980 population of 200,000 or more. Parts of Hillsborough and Rockingham counties in New Hampshire, which were referred to as New Hampshire’s “Southern Serious Non-Attainment Area” under the 1-hour ozone standard, and which are included in the Boston-Lawrence-Salem Consolidated Metropolitan Statistical Area (“CMSA”), fall under this criterion.

Section 184(b) of the CAAA outlines I/M requirements for the Northeast Ozone Transport Region (“OTR”). All of New Hampshire, eleven other states and the District of Columbia comprise the OTR as established in Section 184(b). Enhanced I/M is mandated in each Metropolitan Statistical Area (“MSA”) within the OTR with a 1990 population of 100,000 or more, regardless of air quality status. The Portsmouth-Dover-Rochester MSA (part of Rockingham county and most of Strafford county), referred to as New Hampshire’s “Seacoast Serious Non-Attainment Area,” and the Manchester MSA (parts of Hillsborough and Rockingham counties, and two towns in Merrimack county), referred to as the Manchester Marginal non-attainment area under the 1-hour standard, each had 1990 populations of more than of 100,000, and therefore fall under this criterion.

This document describes the New Hampshire motor vehicle I/M program, which addresses the above requirement. The history of New Hampshire’s I/M program development can be reviewed in Appendix I. In June 2008, DMV revised the motor vehicle inspection rules including changes to the state’s On-Board Diagnostics (OBD II) inspection program. DMV provided public notice and conducted a public hearing for the rulemaking at that time. Due to this program change, New Hampshire is revising the state implementation plan (SIP) for submittal to the United States Environmental Protection Agency (EPA).

This SIP revision is being submitted in accordance with regulations from Title 40 Code of Federal Regulations (CFR) Part 51. This document provides the specific program elements as well as the supporting statutory and regulatory authority that have been established pursuant to requirements of 40 CFR 51.350 through 51.371. This document outlines the New Hampshire inspection and maintenance program with each section providing both the details on specific elements of the program, followed by citations to the statutory and regulatory authority to conduct these specific elements.

This submission addresses comments provided by the EPA on May 7, 2010 following a review of a March 30, 2010 preliminary draft SIP submittal.

1. Applicability (40 CFR § 51.350)

1.1. New Hampshire Program Meeting Federal Requirements

New Hampshire implements its inspection and maintenance (I/M) program statewide, although federal requirements originally mandated a program only in the portion of the state classified as non-attainment for ozone. New Hampshire meets its I/M obligations through an Enhanced Safety Inspection (ESI) (i.e., anti-tampering inspection), which includes an OBD II-Inspection Program for OBD II-compliant light-duty vehicles (i.e., less than 8500 lbs. GVWR), and a Diesel Opacity Testing Program for heavy-duty diesel vehicles (i.e., greater than 10,000 lbs. GVWR).

1.2. Applicable Documentation for the New Hampshire I/M Program

In a letter to EPA dated November 13, 1997, New Hampshire originally proposed an alternative approach that is environmentally superior to the implementation of the program prescribed by EPA's low-Enhanced I/M performance standard. This proposal evolved into the original "Revised I/M Agreement Points" following negotiations between the New Hampshire Department of Environmental Services (DES), New Hampshire Department of Safety (DOS), and U.S. Environmental Protection Agency (EPA) on January 23, 1998 and revised January 30, 1998 and documented as the "Revised I/M Agreement Points" (Appendix II). The favorable response received from EPA is documented in a letter from Dick Wilson and John DeVillars dated January 30, 1998 (Appendix II).

The Revised I/M Agreement Points were codified in state statute by House Bill ("HB") 1513 (Appendix III) in June 1998 and the EPA's approval of New Hampshire's alternative approach to meeting its Enhanced I/M obligation was published as a "SIP strengthening measure" in the Federal Register on December 17, 1998 (FR Doc. 98-33474). Final approval occurred in January 2001. The regulations implementing the inspection programs are included in Saf-C 3220 and Saf-C 5800 (Appendix V).

2. Enhanced I/M Standard (40 CFR § 51.351)

2.1. New Hampshire Program Meeting Federal Requirements

Under strict interpretation of Clean Air Act requirements, New Hampshire is required to implement a low-Enhanced I/M program in Hillsborough, Rockingham, and Strafford counties. However, per the 1998 agreement, New Hampshire has committed implementing a modified Ozone Transport Region (OTR) low-Enhanced I/M program *state-wide*. New Hampshire's final I/M program includes:

1. an On-Board Diagnostics II (OBD II) testing for MY 1996 and newer light-duty gasoline vehicles and for MY 1997 and newer light-duty diesel vehicles up to 8500 lbs GVWR;
2. an Enhanced Safety Inspection (ESI) (i.e., anti-tampering inspection) for pre-1996 vehicles less than 20-years old; and
3. a roadside diesel opacity testing program.

The ESI program, which was first implemented in 1999, and legislatively amended in 2004, applies to all vehicles less than 20-model years old and consists of a visual check for the presence and proper connection of the following equipment on vehicles so equipped:

1. Positive crankcase ventilation (PCV) valve and proper hose configuration;
2. Air injection pump/pulse air systems;
3. Gas cap;

4. Evaporative purge canister; and
5. Catalytic converter.

The roadside diesel opacity program first became effective January 1, 1999. The opacity testing program utilizes the SAE J1667 ("Snap Acceleration") test procedure and applies to heavy-duty diesel vehicles (i.e., greater than 10,000 lbs. GVWR) registered either in New Hampshire or outside New Hampshire.

On December 1, 2006, the state began its pass/fail OBD II program for all MY2002 and newer light-duty vehicles up to 8500 lbs GVWR. On October 1, 2007, all MY1996 and newer light-duty gasoline (LDG) and all MY1997 to MY2001 light-duty diesel (LDD) vehicles up to 8500 lbs GVWR were subject to a pass/fail OBD II inspection as well. The year of the engine, as specified by the manufacturer, shall determine whether an OBD inspection is required. All OBD inspections are conducted in accordance with the requirements of 40 CFR 85.2222.

2.2. Applicable Documentation for the New Hampshire I/M Program

The legal authority for the New Hampshire's I/M Program is included in Appendix IV and contains both statutory and regulatory authority for the ESI, OBD II and Diesel Opacity programs. Appendix V contains the documents that demonstrate the implementation of these programs in accordance with this authority.

As noted in Section 1.2, the I/M program provisions were codified in state statute by HB 1513 in June 1998 and the Environmental Protection Agency published notice to approve New Hampshire's Alternative I/M SIP as a "SIP strengthening measure" in December 1998. Final approval occurred in January 2001.

Subsequent action taken by the New Hampshire General Court has modified implementation and is included in the Appendix III:

House Bill ("HB") 1293 – 2004 SESSION
House Bill ("HB") 513 – 2005 SESSION
Senate Bill ("SB") 341 – 2006 SESSION

New Hampshire's vehicle inspection program is administered by the New Hampshire Department of Safety, Division of Motor Vehicles pursuant to Revised Statutes Annotated (RSA) Title XXI, Chapter 266, Section 266:59-b. With prime responsibility for air quality issues and policies falling on the New Hampshire Department of Environmental Services, the two agencies work cooperatively to establish the rules to implement the program, conduct outreach and education activities, and prepare the annual and biennial reports to the US EPA.

The NH DOS has adopted administrative regulations that govern the day-to-day administration and operation for the programs (Appendix V) and include:

CHAPTER Saf-C 3200 Part Saf-C 3220 Emissions Requirements
CHAPTER Saf-C 3200 Part Saf-C 3222 On-Board Diagnostic System
CHAPTER Saf-C 5800 Roadside Diesel Opacity Program

Enhanced Safety Inspection Program

HB 1513, the enabling legislation for the ESI Program became effective in New Hampshire on June 18, 1998. The legislation called for the implementation of specific inspection criteria (1-4 in Section 2.1) starting January 1, 1999. The legislation amended RSA 266 to include a new section, RSA 266:59-b and DOS drafted revisions to the NH Code of Administrative Rules Part Saf-C 3220 to accommodate the additional inspection procedures. These rules first went into effect in September 1998 for 1980 and newer vehicles.

In May 2004, through HB 1293, the NH legislature modified RSA 266:59-b and committed New Hampshire to a visual check of the evaporative control system. The visual check for the presence and proper fit of the vehicle's gas cap was retained. HB 1293 also modified the program to only affect those vehicles newer than 20 model years old.

Subsequent to the EPA's approval of this modification, DOS drafted revisions to the NH Code of Administrative Rules Part Saf-C 3220 ("Emission Requirements") with the most recent changes going into effect in June 2007.

Diesel Opacity Program

HB 1513 also established an on-road diesel opacity testing program beginning January 1, 1999 that uses the SAE J1667 test procedure. The legislation amended RSA 266 to include a new section, RSA 266:59-c, and DOS drafted rules regarding the test procedures, which are described in detail in the NH Code of Administrative Rules Chapter Saf-C 5800. The rules for the diesel opacity program became effective January 1, 1999.

OBD II Program

HB 1513 also contains language that committed the state to implement an on-board diagnostics ("OBD") inspection program for vehicles so equipped. The implementation of the OBD II program received minor modification through HB 513 in the 2005 session. DOS drafted revisions to the NH Code of Administrative Rules Part Saf-C 3222 ("On-Board Diagnostic System") with the most recent changes going into effect in June 2007.

Demonstration of Air Quality Benefit of New Hampshire I/M Program

The following narrative and tables demonstrate the environmental superiority of New Hampshire's state-wide I/M Program as compared to the Federal Low-Enhanced performance standard.

Table 1 shows the composite summer emission factors for both for oxides of nitrogen (NO_x) and volatile organic compounds (VOC) for both a Low-Enhanced program and for New Hampshire's I/M program. Table 1 illustrates that the New Hampshire I/M Program exceeds the Low-Enhanced performance standard for reducing NO_x emissions (the limiting reagent in ozone formation in New Hampshire) as well as VOCs in each of the years evaluated.

Table 1 - Comparison of Composite NO_x and VOC Emission Factors in New Hampshire's 8-Hour Ozone Non-Attainment Area

	Year 2007		Year 2009		Year 2015	
	(g/mile)		(g/mile)		(g/mile)	
	VOC	NO _x	VOC	NO _x	VOC	NO _x
Low-Enhanced I/M Performance Standard	0.835	1.703	0.702	1.425	0.460	0.755
NH IM Program	0.816	1.613	0.671	1.321	0.418	0.631
NH Surplus or (Shortfall)	0.019	0.090	0.031	0.104	0.042	0.124

Table 1 Notes:

1. Emission factors computed using EPA's MOBILE6.2 model.
2. Full documentation of MOBILE6.2 model input and output files and computation of emissions are available in Appendix VII.

Table 2 quantifies the emissions under both options and demonstrates the *additional* air quality benefit for both NO_x and VOCs that is realized in the New Hampshire 8-hour ozone non-attainment area as a result of the implementation of New Hampshire's statewide I/M program instead of the federal Low-Enhanced performance standard.

Table 2 - Estimated Air Quality Benefit of New Hampshire's I/M Program

	Year 2007	Year 2009	Year 2015
	(tons/day)	(tons/day)	(tons/day)
NO _x Reductions	3.21	3.86	5.18
VOC Reductions	0.68	1.15	1.75

Table 2 Notes:

1. Emission factors from Table 1 computed using EPA's MOBILE6.2 model.
2. Daily vehicles-miles traveled (VMT) for the NH non-attainment area for 2007, 2009 and 2015 were developed from analysis of 2005 NH Highway Performance Monitoring System (HPMS) data, which was provided by NH DOT, and projected to 2015 assuming a 2% annual growth.

The Low-Enhanced performance standard emission factors shown in Table 1 were derived from a MOBILE6.2 modeling input file provided by the US EPA (Appendix VII). This input file was modified only to reflect the meteorological conditions specific to New Hampshire for both the summer and winter seasons. The EPA's I/M performance standard program inputs were then replaced by New Hampshire's I/M program inputs to create a second set of MOBILE6.2 input file in order to calculate the effectiveness of the New Hampshire program (Appendix VII). The evaluation years, 2007, 2009 and 2015, were determined in consultation with EPA. All MOBILE6.2 input and output files can be found in Appendix VII.

3. Network Type and Program Evaluation (40 CFR § 51.353)

3.1. New Hampshire Program Meeting Federal Requirements

The New Hampshire I/M program is implemented statewide under a contract with a vendor utilizing a decentralized network of approximately 1860 vehicle safety inspection stations. In 2004, the State of New Hampshire entered into a contract with Gordon-Darby to administer and support the OBD II inspection program. As of May 2005, all inspection stations were required to have signed contracts with the Gordon-Darby in order to continue doing motor vehicle inspections. Stations conducting less than 200 inspections per year were given until December 2006 to join the Gordon-Darby system, conducting OBD II inspections using handheld scan tools and reporting in a paper-based format until that time.

Exemptions to the electronic reporting system were provided for:

1. inspections stations authorized to inspect only motorcycles;
2. fleet motor vehicle inspection stations for non-OBD II vehicles;
3. municipal and county fleet inspection stations; and
4. inspection information electronically for any vehicle of model year 1995 or older.

In support of the OBD II portion of the I/M program, Gordon-Darby committed to the following activities in support of the State's biennial evaluations:

1. To identify and mark the test records of a representative random 0.1% sample of vehicles undergoing their initial (before repair) OBD II test in a given year.
2. To assist the State in obtaining a representative random sample of OBD II test data, stratified similarly to the New Hampshire random sample in terms of model year, make, model, etc., from an EPA-approved benchmark program.
3. To assist the State in conducting a comparative analysis of the New Hampshire and benchmark program OBD II test results, with the objective being to determine if the New Hampshire program is achieving similar effectiveness to the benchmark program for its OBD II tests.
4. To work with the State to determine how best to meet the requirements of any form of tailpipe test program that the EPA may require as part of the biennial evaluation.

3.2. Applicable Documentation for the New Hampshire I/M Program

In 2002, New Hampshire released a request for proposals (Appendix VI) seeking a vendor to implement OBD II testing statewide. Six entities submitted applications, including Gordon Darby whose proposal (Appendix VI) was accepted in June 2004 through a contract, which became effective through June 23, 2009 (Appendix VI). Under this contract Gordon-Darby participating licensed NH inspection stations with OBD II testing hardware, software, technical support, and training on the computerized testing/reporting system known as the New Hampshire OBD and Safety Testing program, or "NHOST." A commitment to support the State's requirement to conduct biennial evaluations of the IM program's effectiveness, as required by the EPA, was also included. On November 2, 2005, the Gordon-Darby contract was amended and extended through June 30, 2010. In June 2010, a two-year extension clause was exercised extending the contract to June 30, 2012.

Documentation of the exemptions to the electronic reporting requirement can be found in NH RSA 266:1 (Appendix IV).

4. Adequate Tools and Resources (40 CFR § 51.354)

4.1. New Hampshire Program Meeting Federal Requirements

The NH OBD II vehicle emission inspection program is self-funded. Licensed inspection stations pay Gordon-Darby an annual administrative fee of \$25 as well as \$4.70 per inspection. Gordon-Darby supplies the station equipment needed to complete the OBD test and report the results and there is no capital investment needed by the station. There is no charge for a single retest within 60 days if the prior rejection was for OBD related failures. There is a minimum charge to the inspection stations of \$50 per month, which is paid by stations performing fewer than 11 inspections per month.

The State charges inspection stations a fee of \$3.25 for each inspection sticker issued during the inspection process. The revenues from these stickers accrue primarily to the state Highway Fund; the source the Commissioner of the NH Department of Safety is authorized to draw upon for all expenses related to the inspection administration and enforcement.

DMV has an established administrator position overseeing the emissions program and there are now 12 positions budgeted for the program. This includes eight full-time State Police troopers, who are dedicated to enforcement duties related to inspection program, including inspection station auditing, investigation of alleged inspection station malfeasance, rejected vehicle follow-up, on-road enforcement, sticker monitoring, and enforcing RSA 266 (Appendix IV), the statute regarding inspections. There are nearly 30 additional troopers who provide support to the IM inspection program enforcement program as part of their area of responsibilities as the need arises.

A portion of the inspection sticker revenue also accrues to a Motor Vehicle Pollution Abatement Fund (MVPAF). The MVPAF is used to support DES's Mobile Source program, including support of the OBD II inspection program.

4.2. Applicable Documentation for the New Hampshire I/M Program

NH RSA 266:1-a (Appendix IV) relates to the roles and responsibilities of the Highway Patrol and Enforcement Officers who are assigned to the enforcement of the inspection program. Highway patrol and enforcement officers appointed by the commissioner have as his or her primary function enforcement duties related to the inspection process, including inspection station auditing, investigation of alleged inspection station malfeasance, rejected vehicle follow-up, and sticker monitoring. As authorized under RSA 266:1, a highway patrol and enforcement officer shall have the authority to enter any motor vehicle inspection station during the station's business hours to fulfill his or her duties. He or she will also be assigned other enforcement duties as determined by the commissioner. The commissioner shall furnish suitable equipment to a highway patrol and enforcement officer, as the commissioner deems necessary, to distinguish the officer as an individual acting in an official capacity. A highway patrol and enforcement officer appointed by the commissioner pursuant to this section shall be directly responsible to the director and shall be a classified employee.

In 2003, House Bill ("HB") 4 (Appendix III) amended NH RSA 266:2 (Appendix IV) and increased fees charged for the inspection sticker booklets from the \$1.50 per sticker to \$2.50 per sticker. In 2009, HB 2 (Appendix III) was passed, again amending NH RSA 266:2 and increasing fees charged for the inspection sticker booklets from the \$2.50 per sticker to \$3.25 per sticker.

5. Test Frequency and Convenience (40 CFR § 51.355)

5.1. New Hampshire Program Meeting Federal Requirements

All privately owned motor vehicles are subject to an annual safety inspection in the birth month of the registered owner. Corporate and fleet vehicles are inspected in specified months; government and municipal vehicles are inspected in March. For required vehicles, the annual anti-tampering and OBD II inspections are conducted at the same time as the safety inspection.

New Hampshire's I/M program is convenient to motorists through a statewide decentralized network that had nearly 1860 participating inspection stations in operation during at least part of 2008. Convenience is further ensured through the vendor, Gordon-Darby, which provides referee services in the event of a disputed OBD II inspection outcome. Gordon-Darby has committed to deliver an alternative referee solution that provides improved customer service. Under this alternative, all Gordon-Darby field service technicians are equipped and trained as mobile referees. This provides a statewide workforce of 6-10 mobile referee units that are available to handle OBD II referee tests by appointment and at a mutually agreeable convenient location. Motorists are able to schedule referee appointments by calling Gordon-Darby's toll-free Help Line phone number, resulting in a customer-friendly approach to providing the required referee services.

5.2. Applicable Documentation for the New Hampshire I/M Program

Pursuant to RSA 266:1 (Appendix IV), all registered motor vehicles are inspected annually either in the owner's month of birth, or if owned by a corporation, during a month specified by the Director.

6. Vehicle Coverage (40 CFR § 51.356)

6.1. New Hampshire Program Meeting Federal Requirements

The New Hampshire I/M program is implemented statewide utilizing a decentralized network of approximately 1860 vehicle inspection stations and includes an anti-tampering inspection, known as the Enhanced Safety Inspection (ESI), and a On-Board Diagnostics (OBD II) inspection program with the year of the engine, as specified by the manufacturer, determining which inspection is required. The ESI program affects vehicles 20 and less model years old that are not subject to the OBD II inspection. The OBD II program applies to all model year 1996 and newer light-duty gasoline vehicles and model year 1997 and newer light-duty diesel vehicles. In 2008, New Hampshire had 1,384,651 registered light-duty vehicles, including all model years. Of these vehicles 1,288,569 were MY 1989 or newer light duty vehicles and subject to the anti-tampering inspection or OBD II test. There are no exemptions from New Hampshire's OBD II inspection program.

In addition, New Hampshire implements a roadside diesel opacity testing program utilizing the SAE J1667 ("Snap Acceleration") test procedure. The diesel opacity testing program applies to all heavy-duty diesel-powered vehicles, with a manufacturer's gross vehicle weight rating of 10,000 pounds or more, and all diesel-powered buses, which are manufactured to carry 25 or more passengers operating on the highways, roads and public ways of New Hampshire. All federal vehicles, including military vehicles, are exempt from these tests as are vehicles that pass an initial "Quick Screen" process upon being selected for pullover. Vehicles that can present proof of having passed an opacity test in New Hampshire or any state within the previous 12 months or can present proof of having repairs to address

emission violations, are also exempt from testing. These non-federal exemptions do not apply if any subject vehicle appears to be emitting visible black smoke.

6.2. Applicable Documentation for the New Hampshire I/M Program

See 2.2 for documentation of the ESI, DOP and OBD II programs.

7. Test Procedure and Standards (40 CFR § 51.357)

7.1. New Hampshire Program Meeting Federal Requirements

As noted in Section 1.1, the ESI program, which was first implemented in 1999, and legislatively amended in 2004, applies to all vehicles less than 20 model years old and consists of a visual check for the:

1. Positive crankcase ventilation (PCV) valve and proper hose configuration;
2. Air injection pump/pulse air systems;
3. Gas cap;
4. Evaporative purge canister; and
5. Catalytic converter.

All OBD II inspections are conducted using procedures that meet the procedural requirements set forth in 40 CFR 85.2222 and test standards established in 40 CFR 85.2207. Roadside diesel opacity testing program utilizes the SAE J1667 ("Snap Acceleration") test procedure.

7.2. Applicable Documentation for the New Hampshire I/M Program

See 2.2 for documentation of the ESI and OBD II programs. Appendix V includes the OBD rules, specifically 3222.03, which specifies the test procedures in 40 CFR 85.2222, which in turn reference the test standards established in 40 CFR 85.2207. Appendix V also includes the Diesel Opacity rules, which specify the use of the SAE J1667 test procedure.

8. Test Equipment (40 CFR § 51.358)

8.1. New Hampshire Program Meeting Federal Requirements

Gordon-Darby has committed to use a scan tool capable of collecting OBD II test data and vehicle safety inspection data for EPA and DMV reporting and queries. All OBD inspections are conducted in accordance with the requirements of 40 CFR 85.2222 and meeting the standards outlined in 40 CFR 85.2207.

Per the Request for Proposals released by NH DOT and the commitments made by the vendor in its proposal and the contract (Appendix VI), the vendor supporting the State's OBD II program must use equipment meeting the requirements of 40 CFR 51.358 including :

1. *System Design, Compatibility and Communication*
 - a. The scan tools is able to read and review the OBD II information from the vehicle's onboard computer;
 - b. The system provides for an electronic connection from the vehicle inspection station to a central location; and
 - c. The system enables the inspector, using the VIN, to verify owner, registration, and vehicle information from a central database.
2. *Data Collection, Storage and Reporting*
 - a. The system reports to the safety inspector any problems found from the OBD II test; and
 - b. The scan tool is able to collect OBD II test data and vehicle safety inspection data for EPA and DMV reporting and queries.
3. *System Output*
 - a. The system provides a printed on-site report of the OBD II and vehicle inspection results to the vehicle owner/driver and transmits to a central location.
4. *System Capacity; and*
 - a. The system will accommodate approximately 1860 inspection stations, 15,000 licensed inspectors, and 1.3 million annual vehicle inspections and has the capability to accommodate increasing or decreasing numbers of inspections and/or inspection stations/inspectors.
5. *System Security and Quality Assurance*
 - a. The system provides for an audit trail to track the use of all OBD II testing equipment;
 - b. The system provides and explains a security system, which verifies the identity and access rights of each individual inspector and the licensed inspection station at the time that they attempt to access the test/reporting system;
 - c. The system also is able to lock-out inspectors and/or inspection stations, whose privileges have been suspended or revoked; and
 - d. The system is able to check for a vehicle having been previously tested at another inspection station, and inform the current inspector as to the reason that the vehicle did not pass the previous test if it failed.

8.2. Applicable Documentation for the New Hampshire I/M Program

See 2.2 for documentation of the ESI, DOP and OBD II programs and section 3.2 and Appendix VI for documentation of Gordon-Darby's commitments.

9. Quality Control (40 CFR § 51.359)

9.1. New Hampshire Program Meeting Federal Requirements

The equipment audits specified in sections 40 CFR 51.359(a), (b), (c), and (d) are not applicable to New Hampshire's I/M program as the referenced testing equipment is not utilized in the inspection program.

The requirements of 40 CFR 51.359(e) are ensured through the implementation of "cradle-to-grave" sticker tracking process to maintain sticker security. The Gordon-Darby vehicle inspection database

system (VID) tracks which stickers have or have not been used, and stations will be responsible for accounting for all stickers, including those missing, stolen, replaced or damaged. This includes the following elements:

1. An administrative VID application that assigns stickers sold to a particular station electronically to that station in a master inventory maintained on the VID;
2. Sticker numbers sold/assigned to a station are downloaded to the station's NHOST unit(s) upon their next subsequent connection to the VID, and used to update the locally stored inventory of sticker numbers assigned to the station;
3. Sticker number assignments to test vehicles are tracked by the NHOST software and uploaded to the VID and the master inventory is automatically updated; and
4. Windshield replacement facilities are provided with a safety-only NHOST system to facilitate and ensure tracking of all stickers.

9.2. Applicable Documentation for the New Hampshire I/M Program

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI.

10. Waivers and Compliance via Diagnostic Inspection (40 CFR § 51.360)

10.1. New Hampshire Program Meeting Federal Requirements

NH does not issue waivers. New Hampshire offers economic hardship time extensions on a case-by-case basis as determined by the DMV. Such extensions are for a single inspection cycle and cannot be re-issued for a given vehicle. The hardship extensions were initiated in CY 2007 for the first time on a case-by-case basis. A total of 52 waivers were provided in CY 2008. In addition, 18 "Directors Certificates" were issued for motor vehicles that were determined by the DMV to have either OBD II failures or communications issues for which no definable solution was available.

10.2. Applicable Documentation for the New Hampshire I/M Program

Per Saf-C 3222.07 (Appendix V), upon consultation with and agreement by the EPA, any vehicle that does not pass an OBD inspection due to issues specified by the manufacturer, yet meets all other safety inspection requirements, shall be eligible for an administrator's certificate, which shall be maintained electronically.

11. Motorist Compliance Enforcement (40 CFR § 51.361)

11.1. New Hampshire Program Meeting Federal Requirements

New Hampshire's sticker-based enforcement program is essentially registration suspension, since the loss of registration (along with the suspension of the driver's license and the threat of arrest by way of bench warrant) is the ultimate consequence of noncompliance. The primary elements of the consumer compliance strategy are:

1. A penalty sequence that has fines, registration suspension, driver license suspension; and the potential for arrest as an ultimate consequences of non-compliance;
2. Increased priority on stickers by state police patrol units;

3. Increased priority on stickers by local police departments; and
4. More public education through written reminders issued at town offices.

The New Hampshire's vehicle inspection program, which, as reported in the calendar year 2008 NH IM Annual Report, has a compliance rate of 96.5% and is enforced by use of a highly visible windshield sticker. The sticker consists of two parts, a number indicating the month of inspection and a colored backing that represents the year. When a vehicle is identified as having an invalid or missing inspection sticker, the sequence for enforcement is as follows:

1. Citation issued fining the driver \$60 and requiring an inspection of the vehicle within 10 days.
2. If, after 30 days, the fine has not been paid, DOS will issue a default notice to the driver which will result in the automatic suspension of the driver's license and the vehicle registration, and the assessment of an additional \$100 fee to restore driver's license. Total fine is now \$160.
3. Further, if the fine is not paid, DOS has authority to request a bench warrant be issued by the court system for the arrest of the operator. The bench warrant will be issued electronically to expedite the process. It is significant to note that local towns receive a \$100 "bounty" for each executed warrant. Therefore, local towns have a strong financial incentive to expedite processing of bench warrants.

Enhanced Safety Inspection Program Compliance

The Bureau of Enforcement has committed to a specific administrative and field-level effort regarding the Enhanced Safety Inspection program. All rejection reports relative to emissions components will be investigated to ensure repair work or a successful inspection has been done. The state's enforcement procedure regarding vehicles that fail the inspection and do not have repairs performed on the spot is as follows:

1. The inspection station submits a rejection report to DMV electronically.
2. The report is forwarded to State Police Bureau of Enforcement.
3. The report is assigned to an Area Officer who follows up by visiting the residence or place of work of the motorist and confirms the needed repairs to the vehicle were actually done and that a valid sticker is in place or the vehicle has been taken out of service. Drivers face a violation and the sequence of penalties laid out above if they have failed to comply.

OBD II Inspection Program

If a motor vehicle is inspected and passes the state's safety inspection, but fails the OBD II test, the vehicle receives just the number portion of the two-part inspection sticker. New Hampshire law allows motorists 60 days for repairs for OBD II failures. Motorists are likely to be pulled over for lack of the colored portion of the sticker. By presenting a copy of their OBD II test report that shows they are within their 60 grace period a motorist can avoid a citation. Motorists that exceed the grace period are subject to the fines and consequences noted above.

As noted in Section 4.1, the Commissioner of DOS has authorized the dedication of significant resources to the enforcement of the New Hampshire I/M program. These resources are deployed for the purpose of enforcement of the I/M inspection program, both at the inspection station and consumer level. Beyond the dedicated resources cited in Section 4, there is an impressive amount of enforcement

ability at the next level; to wit, all regular State Police Patrol units, all County Sheriff Deputies, and all local law enforcement officers, any of whom can and do issue citations for uninspected vehicles. Analysis from the NH 2008 Annual IM Inspection report found that New Hampshire's IM inspection compliance rate was 96.5%.

11.2. Applicable Documentation for the New Hampshire I/M Program

The authority for the fines issued for non-compliance with New Hampshire's I/M program come from New Hampshire RSA 266:1 (Appendix IV), which requires that vehicles undergo an inspection as well as from New Hampshire RSA 266:5 and RSA 263:56-a (Appendix IV), which describe the penalties for failure to obey the inspection requirements.

The authority for bench warrants is provided in RSA 502-A:19-b (Appendix IV) and the authority for the \$100 "bounty" for each locally executed warrant is in RSA 263:56-d. Direct enforcement is handled by State Police Troopers as authorized by RSA 266:1-a (Appendix IV).

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI.

12. Motorist Compliance Enforcement Program Oversight (40 CFR § 51.362)

12.1. Applicable Documentation for the New Hampshire I/M Program

NHOST unit design and operation include advanced data entry procedures to minimize entry errors, prescribed test procedures to ensure proper and consistent vehicle inspections, highly understandable/user-friendly data entry screens to minimize inspector confusion, test unit lockouts to prevent unauthorized testing or other use of NHOST units, tamper-proof equipment design, industry-standard security features to restrict access to authorized parties, and the absolute minimum in terms of required human decisions and interactions.

In addition, the vendor maintains a primary database and a backup database to that maintain a record of all inspection data, including owner, registration, and vehicle information. The resulting communications logs stored on the database provide a complete audit trail of all OLTP transactions. The vendor's sticker inventory system also incorporates a fully integrated cradle-to-grave sticker tracking system to ensure sticker security. The State of New Hampshire also has written protocols for sticker handling laid out in Saf-C 3209.

In terms of information management and verification, the State not only has written protocols laid out in Saf-C 3210 for mechanics to verify vehicle identity on the front end but New Hampshire reviews its test records and compares them to the DMV registration database on an annual basis as it prepares its annual report to the EPA at the end of each state fiscal year. This process allows DES and DMV staff an opportunity to verify the integrity of the both datasets, which are maintained separately.

Due to the statewide nature of its program, the requirement for out-of area check is not applicable. The State also does not evaluate registration change applications as it relies on a sticker-based enforcement system.

12.2. Applicable Documentation for the New Hampshire I/M Program

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI. For documentation of New Hampshire Code of Administrative Rules, CHAPTER Saf-C 3200, Parts 3209 and 3210 see Appendix V.

13. Quality Assurance (40 CFR § 51.363)

13.1. New Hampshire Program Meeting Federal Requirements

Inspection station compliance is assured through audits and opportunities for stations to report other stations they suspect may be selling stickers, falsifying inspections or otherwise avoiding compliance. State police enforcement area officers conduct regular overt audits of the approximately 1860 inspection stations in the state. Covert audits are not currently conducted, but DMV is exploring this action. Instead, DOS has worked with their OBD II vendor to develop and use sophisticated electronic analysis "triggers" to evaluate the performance of the decentralized inspection stations and inspectors by identifying anomalies and irregularities that might indicate fraud. Triggers-based data analyses/reports are not canned summary versions that are produced by the I/M data system on a regular, periodic (e.g. monthly) basis. Instead, they are produced on an on-demand basis by DMV staff as needed to monitor inspections on an ongoing basis and to assist in investigations of specific stations or to search for particular patterns of potential violations or anomalies. This system allows the DMV to monitor a statewide decentralized system more effectively and efficiently.

Officers conducting an inspection station audit generally look to see that stations and certified inspectors are following inspection requirements under administrative rule Saf-C 3220, as well as any written policy and/or guidance documents issued by the department subsequent to the rule. Among other things, officers may check to see that a station possesses up to date copies of appropriate repair manuals, as required by rule, as well as ascertain whether the station has required tools with which to perform the inspection. An officer may observe an ongoing inspection to ensure that the inspector performs it properly. The officers check all documentation, such as station and inspector certifications. The officers determine that stickers and reporting documents are secure, that there are no missing stickers from the sequence issued, as well as otherwise ensuring the integrity of all forms and documents. In addition, DOS has dedicated a phone line as an emissions information "hotline" that station owners may use to report other stations they believe to be violating inspection requirements.

New inspectors and inspectors being recertified to perform inspections are required to attend Inspection School at the Department of Safety in Concord. Inspectors are hired and trained by local inspection stations. They are required to attend a 1-day orientation and training school at DOS, and to submit to a field test administered by an enforcement officer, in order to receive certification. The equipment vendor has responsibility to train inspectors in the proper use of the OBD inspection equipment.

The State of New Hampshire is pursuing the development of a covert audit program which would be used in conjunction with the Triggers Analysis. The State may include it as a vendor responsibility in the next RFP and vendor contract.

13.2. Applicable Documentation for the New Hampshire I/M Program

The documentation for the Triggers Analysis and the hotline developed by Gordon-Darby is describe in Appendix VIII and noted in Section 3.2 with the vendor's commitments documented in Appendix VI.

14. Enforcement against Contractors, Stations and Inspectors (40 CFR § 51.364)

14.1. New Hampshire Program Meeting Federal Requirements

In cases where an inspection sticker is found to be applied but repairs not performed, or if the sticker was otherwise improperly given, an investigation will follow. The penalties against an inspector and/or station owner who violates the inspection statute are significant. An inspector who performs an invalid inspection is normally given a criminal violation plus he/she is disciplined administratively. Following a hearing, they can be punished by 6 points on their driving record - the same points as a first-time DWI. Station owners can have their privilege to inspect cars suspended or revoked. Since stations typically provide the repairs required for failing vehicles to pass inspection, New Hampshire believes this constitutes an effective deterrent and punishment.

14.2. Applicable Documentation for the New Hampshire I/M Program

Through Authority provided in NH RSA 260: 6-b (Appendix IV), station owners can have their privilege to inspect cars suspended or revoked. New Hampshire believes this constitutes an effective deterrent and punishment.

15. Data Collection (40 CFR § 51.365)

15.1. New Hampshire Program Meeting Federal Requirements

The vendor is required to supply all the necessary hardware, software, support, maintenance, and training necessary to deploy an effective and cost-efficient statewide data collection, and communications system, which the individual inspection stations will need to perform OBD II tests/safety inspections on passenger cars, trucks, and motorcycles and report their results electronically to the DMV. The scan tools utilized are required to be able to collect OBD II test data and vehicle safety inspection data sufficient to for EPA and DMV reporting and queries.

15.2. Applicable Documentation for the New Hampshire I/M Program

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI.

16. Data Analysis and Reporting (40 CFR § 51.366)

16.1. New Hampshire Program Meeting Federal Requirements

The vendor is required to prepare and submit all data, as required by EPA, to the DMV regarding the results of OBD II testing, together with a summary report, which includes numbers of vehicles tested/inspected, failure rates, and other information necessary to meet the State's reporting requirements. The data is analyzed by the NH DMV and NH DES staff and submitted to the EPA to meet the annual and biennial reporting requirements as described in 40 CFR § 51.366.

16.2. Applicable Documentation for the New Hampshire I/M Program

New Hampshire has met its reporting requirements under the IM program, submitting annual reports for 2006 - 2009, with the first biennial report being submitted for 2007-2008.

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI.

17. Inspector Training and Certification (40 CFR § 51.367)

17.1. New Hampshire Program Meeting Federal Requirements

As noted in Section 13.1, new inspectors and inspectors that are being recertified to perform inspections are required to attend Inspection School at the Department of Safety in Concord. Inspectors are hired and trained by local inspection stations. They are required to attend a 1-day orientation and training school at DOS, and to submit to a field test administered by an enforcement officer, in order to receive certification. The equipment vendor is responsible for training inspectors in the proper use of the OBD inspection equipment.

The vendor conducts, in conjunction with the NH DMV, an effective program for inspector OBD II training certification. The vendor is responsible for assuring the technical competence of inspection personnel at the state's roughly 1860 licensed inspection stations that employ approximately 15,000 automotive technicians, who perform annual safety inspections.

To address this, the initial and ongoing inspector training and certification are conducted using a multi-media approach that incorporates classroom and hands-on training as well as a home study CD. Training topics included an introduction to vehicle emissions inspections and OBD, NHOST OBD and safety test procedures, test ethics and fraud, hands-on training, written and hands-on test, and inspector certification. Attendees are also provided with a DVD containing a multi-media presentation of the same training program for reference.

In addition to training in basic inspection and OBD II testing skills, the vendor also provides a component education and outreach to address ethics and fraud prevention. This includes information on the vendor's fraud protection system, the legal penalties for fraud and/or bribery, and clear and explicit policies for reporting attempted fraud or bribery.

The vendor and DMV collaborate in the training component so as to allow the DMV to have a complete oversight function, and to monitor and evaluate the effectiveness and integrity of the curricula and the results of the written and hands-on tests for inspector training.

17.2. Applicable Documentation for the New Hampshire I/M Program

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI.

18. Public Information and Consumer Protection (40 CFR § 51.368)

18.1. New Hampshire Program Meeting Federal Requirements

The State has an ongoing public information campaign, which is available online. The program vendor also has a well-developed and readily accessible support program that can efficiently and effectively

diagnose and resolve the issues of the various customer types, which include the State, individual participating inspection stations, inspection station personnel, and the general public.

To provide support the vendor has established a toll-free telephone “Help Line” for consumers and inspection stations. The Help Line is designed to ensure quality, efficiency and convenience for customers.

To increase efficiency, a combined automated/manual answering system, designed to provide customer-friendly service and meet all RFP requirements, is used. The automated system is programmed with responses to the most commonly asked questions, and is immediately accessible to callers if they wish to access the recorded responses.

For the manual system, the vendor has established separate toll-free NHOST Help Lines for the stations/inspectors and motorists. The operators for either Help Line are capable of responding to all inquiries or forwarding the caller to appropriate technical personnel for quick problem resolution. Help Lines are staffed by a sufficient number of competent representatives to expeditiously resolve inspector and motorist problems and issues, support service inquiries from DMV, and address system service procedures and issues. Help Line personnel are available to provide additional assistance to callers during critical hours (6 AM to 9 PM, Monday through Saturday). During hours when the Help Lines are not actually staffed, the automated part of the system will remain operational 24x7 and accessible via the same toll-free number.

The vendor maintains a NHOST Project website that provides additional customer service information. The website includes answers to frequently asked questions, including a station finder that provides visitors with the location of the nearest inspection stations upon entry of a zip code location.

As mentioned in Section 5.2, Gordon-Darby also provides a referee services in the event of a disputed OBD II inspection outcome.

18.2. Applicable Documentation for the New Hampshire I/M Program

For documentation of Gordon-Darby’s commitments, see section 3.2 and Appendix VI.

19. Improving Repair Effectiveness (40 CFR § 51.369)

19.1. New Hampshire Program Meeting Federal Requirements

The state of NH does not provide technical assistance at this time. Discussions are underway to determine whether programs can be implemented through the NH community and technical college network.

New Hampshire mechanics currently rely on trade organizations that offer technical support and they do self-improvement training through the National Association of Automotive Excellence. The State of New Hampshire is supportive of this effort to obtain further education and advanced certification. Through outreach efforts to consumers, the State is working to elevate the demand for L1-certified (or equivalent) mechanics to provide their OBD II repairs.

19.2. Applicable Documentation for the New Hampshire I/M Program

N/A. See above.

20. Compliance with Recall Notices (40 CFR § 51.370)

20.1. New Hampshire Program Meeting Federal Requirements

The vendor is prepared to work with the State to institute changes to the systems, operations and procedures that would make them consistent with and enable the DMV to meet the obligations of 40 CFR section 51.370, concerning methods to ensure that subject vehicles have had necessary emissions related repairs completed if needed as soon as such data exists.

Current VIN-based lists of vehicles with unresolved recalls are needed to implement this compliance verification process. According to 40 CFR 51.370, the lists are to be made available by EPA, the manufacturers or an approved third-party supplier. However, the manufacturers are not presently required to provide such lists to EPA, they do not currently exist, and EPA staff indicated this requirement is unlikely to be implemented in the future. As a result, EPA has never enforced the provisions of 40 CFR 51.370 against state I/M programs.

20.2. Applicable Documentation for the New Hampshire I/M Program

For documentation of Gordon-Darby's commitments, see section 3.2 and Appendix VI.

21. On-Road Testing (40 CFR § 51.371)

21.1. New Hampshire Program Meeting Federal Requirements

HB 1513, the enabling legislation for New Hampshire's I/M program (Appendix III), included language requiring DES and DOS to conduct a study of the effectiveness of available options for remote sensing of NOx emissions from mobile sources of air pollution. In addition, it required that a remote sensing pilot program for sensing NOx emissions from mobile sources be studied and proposed for legislative consideration during the 1999 legislative session. The study, which was completed in February 1999, ultimately found that remote sensing technology would be of low-value to identify vehicles that do not meet emissions standards or to exempt vehicles from inspection.

However, as New Hampshire's inspection program is annual rather than biennial, as it is in many states, the inspection program already catches vehicles that might otherwise be found through a remote sensing program.

21.2. Applicable Documentation for the New Hampshire I/M Program

N/A. See above.